

HOUSE BILL No. 1362

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2.6-1.

Synopsis: Direct placement in community corrections. Permits an individual convicted of operating a vehicle while intoxicated with two prior unrelated convictions to be placed directly in a community corrections program if the program: (1) is a work release program; or (2) uses electronic monitoring as part of the person's supervision.

Effective: July 1, 2004.

Richardson

January 20, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1362

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-2.6-1, AS AMENDED BY P.L.17-2001,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 1. (a) Except as provided in subsection (b), this
4 chapter applies to the sentencing of a person convicted of:

5 (1) a felony whenever any part of the sentence may not be
6 suspended under IC 35-50-2-2 or IC 35-50-2-2.1; ~~or~~

7 (2) a misdemeanor whenever any part of the sentence may not be
8 suspended; **or**

9 **(3) an offense described in IC 35-50-2-2(b)(4)(Q) (operating a**
10 **vehicle while intoxicated with at least two (2) prior**
11 **convictions), if the person is required to serve the**
12 **nonsuspendible portion of the sentence in a community**
13 **corrections:**

14 **(A) work release program; or**

15 **(B) program that uses electronic monitoring as a part of**
16 **the person's supervision.**

17 (b) This chapter does not apply to persons convicted of any of the

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1 following:

2 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

3 (2) **Except as provided in subsection (a)(3)**, any of the felonies
4 listed in IC 35-50-2-2(b)(4).

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